

PIEDMONT PATHOLOGY ASSOCIATES,  
INCORPORATED,  
  
Plaintiff,  
  
vs.  
  
NATIONAL MEDICAL MARKETING, LLC,  
and MARY VAUGHAN ALSBROOK,  
  
Defendants.

**THIS MATTER** is before the Court upon Plaintiff's Motion to Remand and accompanying Memorandum of Law in Support, both filed October 30, 2013. (Docs. 6, 7). Defendants submitted a written response on November 18, 2013 and admitted that the factual representations and legal conclusions presented within Plaintiff's motion are accurate. (Doc. 11). In sum, Defendants concede that because removal was untimely, this Court lacks subject matter jurisdiction and remand is required.<sup>1</sup> See 28 U.S.C. §§ 1446(b)(1) and 1447(c); *Barbour v. Intern. Union, et. al.*, 640 F.3d 599, 605 (4th Cir. 2011) (en banc), *abrogated on other grounds* by § 1446(b)(2)(B). For all of these reasons, the Court will grant Plaintiff's Motion to Remand.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion to Remand is **GRANTED**. Accordingly, pursuant to 28 U.S.C. § 1447(c), the Deputy Clerk is directed to send a Certified Copy of the instant Order to the Clerk of Court, Catawba County Superior Court, North Carolina General Court of Justice with reference to Case No.: 13 CVS 1491.

<sup>1</sup> Upon remand, the parties have agreed to request a transfer of this matter to the North Carolina Business Court.

Signed: December 2, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

